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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/582,303	06/22/2000	PETER REGINALD CLARKE	508-032.12	3626

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WARE FRESSOLA VAN DER SLUYS &  
ADOLPHSON, LLP  
BRADFORD GREEN BUILDING 5  
755 MAIN STREET, P O BOX 224  
MONROE, CT 06468

EXAMINER

DAVIS, ROBERT B

ART UNIT	PAPER NUMBER
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1722

DATE MAILED: 03/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/582,303

Applicant(s)

CLARKE, PETER REGINALD

Examiner

Robert B. Davis

Art Unit

1722

-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, 23-26 and 37 is/are rejected.
- 7) ☒ Claim(s) 8-22 and 27-36 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### ***Specification***

1. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.
2. A new copy of the entire original specification including the claims is required, because the copy of the originally filed document is not suitable for printing or scanning. The examiner is requiring a copy of the original specification and not a substitute specification.

In support of this requirement, reference is made to line 2 of claim 2. It appears that after "against it" that there is a period. If the punctuation in question is a period, applicant should explain how this avoids the requirement of only one period per claim as set forth in *Fressola v. Manbeck*, 36 USPQ2d 1211 (D.D.C. 1995). See MPEP section 608.01(m).

### ***Claim Interpretation***

3. The parenthesis and quotation marks used in claim 1 are being interpreted as follows. The phrase one of the complementary mould parts (hereinafter "the Substitutable Mould Part") is being interpreted such that the phrase "one of the complementary mould parts" is the same as "substitutable mould part".

It is suggested that applicant remove the parenthesis and quotation marks from the claim to improve the form of the claim; however, such is not required as the meaning of the claim is clear to one of ordinary skill in the art according to 35 USC 112.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Roy (4,615,667: figures 15-18A; column 2, lines 10-16, 34-45; column 4, lines 22-30; column 9, line 42 to column 10, line 20; column 12, lines 35-39; and column 15, line 47 to column 16, line 68).

Roy teaches a method of injection stretch blow molding comprising: forming an injection molded preform (102) between an initial mold cavity comprising a core (101), a neck forming portion (103), and a preform cavity mold (52), the parison along with the core (101) and neck forming portion (103) are separated from the preform cavity mold (52), the preform along with the core and neck forming portion are then translated to a blow mold (117), a stretch rod (108) located inside the core is displaced to stretch the preform across the cavity until the preform touches the bottom portion of the blow molding cavity as shown in figure 18, the stretched preform is then blown into a blow molded article and then removed from the mold. Figure 16A illustrates the use of air to help separate the preform from the surface of the core. The preform is removed from the injection molding cavity after the preform has skinned against it, but before complete cooling of the preform. The preform is cooled only for a matter of seconds in the injection mold (52) as the outside surface of the preform shrinks away from the internal

Art Unit: 1722

surface of the mold (column 9, lines 53-57). It is clear to one of ordinary skill in the art that cooling to the point of skinning is accomplished as such is required to maintain the shape of the preform upon removal from the mold.

6. Claim 37 is rejected under 35 U.S.C. 102(b) as being anticipated by Roy.

Roy clearly teaches a stretch injection blow molded container as shown in figure 22 formed according to the method of claim 1.

7. Claims 23-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Roy.

Roy teaches a stretch injection blow molding apparatus comprising: a core (101) and neck ring mold (103) which move with an injection molded preform from the injection mold to the blow mold, an injection molding cavity (52) which is removable from the preform after a few seconds of cooling in the injection mold, a replacement or blow mold (117) is mated with the core (101) and neck ring (103) as shown in figure 18. The core (101) has a passageway for the introduction of air as shown in figure 16A to move the preform away from the core and a stretch rod (108) to stretch the preform in the blow molding cavity.

8. Claims 1, 23, 24 and 37 are rejected under 35 U.S.C. 102(b) as being anticipated by Allen (3,341,644: figures 1-5).

Allen teaches a method of injection stretch blow molding or vacuum forming wherein a first mold part (4) forms half of the injection mold along with cavity mold (5) and is then translated to mate with a blow or vacuum mold (18) wherein a movable part (9) of the first mold part stretches the preform all the way to the bottom of the blow or

vacuum molding cavity as shown in figure 4. The container shown in figure 5 clearly meets the structure required by claim 37.

***Allowable Subject Matter***

9. Claims 8-22 and 27-36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. The following is a statement of reasons for the indication of allowable subject matter: In regards to claim 8, none of the prior art of record teach or suggest a method of forming a stretch blow molded article wherein the captivation of the lifted portion of the preform temporarily seals apertures in the lifted portion. The closest prior art (Roy and Allen) teach stretch injection with deformation of the preform by a stretch rod, but neither reference teaches or suggests forming holes in the lifted portion of the preform such that the stretching portion of the mold temporarily seals the holes in the preform. In regards to claim 27, none of the prior art of record teaches or suggests a movable piece having a face complementarily with both the opposite face of the injection mold and the blow mold, wherein the liftable portion of the preform is molded to a final shape in the initial mold cavity.

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The remaining references show various methods and apparatus for the formation of injection molded preforms and subsequent blow molding.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert B. Davis whose telephone number is 703-308-2625. The examiner can normally be reached on Monday-Friday 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda L. Walker can be reached on 703-308-0457. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

A handwritten signature in dark ink, appearing to read 'Robert B. Davis', with a long horizontal flourish extending to the right.

Robert B. Davis  
Primary Examiner  
Art Unit 1722

2/22/03

February 22, 2003